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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BURCH, MELODY M

ART UNIT PAPER NUMBER

3683

DATE MAILED: 11/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

8K

Office Action Summary

Application No.

09/892,163

Applicant(s)

CATANIA, MICHAEL VITO

Examiner

Melody M. Burch

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 and 16 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-15 and 17-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification fails to provide proper antecedent basis for the term "base member" including but not limited to claim 6.

Claim Objections

2. Claims 18 and 19 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 18 depends on itself.

3. Claim 7 is objected to because of the following informalities: the phrase "base plate" should be changed to "backing plate" for consistency. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-5, 7, 8, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re: claim 1. Claim 1 recites the limitation "said brake" in line 5 of claim 1. There is insufficient antecedent basis for this limitation in the claim.

Re: claim 1. The phrase "single retainer clip attached solely to said mounting member" in line 2 from the bottom of claim 1 is incorrect. Examiner notes that the retainer clip is attached not only to the mounting member but also to the pin ends.

Re: claim 2. Claim 2 recites the limitation "said base member" in the last line of claim 2. There is insufficient antecedent basis for this limitation in the claim.

Re: claim 3. The phrases "a cylindrical body" and "a pair of pin ends" are indefinite. It is unclear to the Examiner whether the phrases are intended to be the same or different from those claimed in claim 1.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 1-3, 7, 8, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent EP-0044377.

Re: claim 1. EP-0044377 shows a brake shoe assembly comprising: a brake spider 11; a mounting member 26,27,28 supported on the brake spider and including an arcuate surface for supporting a brake lining 35,36; an anchor pin 12 pivotally mounting one end of the mounting member to the brake spider; and a retainer clip 17 attached to

the mounting member and cooperating with the anchor pin to maintain proper shoe orientation as shown in figures 1 and 3.

Re: claim 2 (First Interpretation). EP-0044377 shows in figure 5 the limitation wherein the retainer clip includes a base member 41,42,43 with a connector portion 44,45 and a pair of legs 42a,43a extending outwardly from opposite ends of the base member to support the anchor pin.

Re: claim 2 (Second Interpretation). EP-0044377 shows in figure 5 the limitation wherein the retainer clip includes a base member 41,42,43 with a connector portion 42a,43a and a pair of legs shown in the area of element numbers 44,45 and before element numbers 42a,43a extending outwardly from opposite ends of the base member to support the anchor pin.

Re: claim 3. EP-0044377 shows in figure 3 the limitation wherein the anchor pin 12 includes a cylindrical body shown in the area of the lines associated with element numbers 20, 32a, and 33a with a pair of pin ends (on either side of the cylindrical body, one of which being shown in the area of the lead line associated with the lower element number 12) extending in opposite directions from the body to define a pivot axis and wherein the pin ends are supported by the legs.

Re: claim 7 (based on First Interpretation). EP-0044377 shows the limitation wherein the mounting member includes a base plate 28 for supporting the brake lining and a pair of spaced apart webbed flanges 26,27 extending inwardly from the base plate toward the center of the assembly, the connector portion 44,45 engaging at least one of the webbed flanges to retain the clip on the mounting member.

Re: claim 8 (based on Second Interpretation). EP-0044377 shows the limitation wherein the legs have a hook portion 44,45 for supporting the pin ends via the legs and a portion of elements 42a,43a.

Re: claim 18. EP-0044377 shows in figure 5 the retainer clip 17 comprising a base portion 41 integrally formed with a pair of transversely extending legs 42a,43a positioned on opposite sides of the base portion for engagement with the pin ends.

Re: claim 19. EP-0044377 shows in figure 4 the limitation wherein the cylindrical body has a greater diameter than the pin ends.

8. Claim 1-5, 7-15, and 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 4503953 to Majewski.

Re: claims 1, 4, 17. Majewski shows in figures 1-5 a brake shoe assembly comprising: a brake spider 11; a mounting member 31,32 supported on the brake spider and including an arcuate surface for supporting a brake lining 24, an anchor pin 20,22 pivotally mounting one end of the mounting member to the brake spider, the anchor pin including a cylindrical body 20 with a pair of pin ends 22 extending in opposite directions from the body, and a single retainer clip 40 attached solely to the mounting member and cooperating with both of the pin ends to maintain proper shoe orientation.

Re: claims 2, 18, 19. Majewski shows in figure 4 the retainer clip including a base portion 56 with a connector portion 48 and a pair of legs 52,54 extending outwardly from opposite ends of the base member to support the anchor pin.

Re: claims 3 and 8. Majewski shows the limitation wherein the anchor pin includes a cylindrical body 20 with a pair of pin ends 22 extending in opposite directions from the body to define a pivot axis and wherein the pin ends are supported by the legs.

Re: claims 5 and 7. Majewski shows the limitation wherein the mounting member includes a backing/base plate 32 for supporting the brake lining and a pair of spaced apart webbed flanges 31 extending inwardly from the backing plate toward the pivot axis, the connector portion engaging the backing plate via the flanges between the flanges to retain the clip on the mounting member.

Re: claims 9, 10, 20. Majewski shows in figures 1-5 a cam brake assembly comprising: a first brake shoe 14 (L) including a first backing plate 32,31 for supporting a first brake lining 24, a second brake shoe 14 (R) including a second backing plate 32,31 for supporting a second brake lining 24 wherein the second brake lining faces an opposite direction from the first brake lining, a brake spider 11 having a first mounting portion for attachment to the first brake shoe and a second mounting portion for attachment to the second brake shoe; a first anchor pin 20 (L) pivotally attaching one end of the first brake shoe to the first mounting portion to define a first pivot axis, the first anchor pin including a first cylindrical body 20 with a first pair of pin ends 22 extending in opposite directions from the first cylindrical body, a second anchor pin (R) pivotally attaching one end of the second brake shoe to the second mounting portion to define a second pivot axis, the second anchor pin including a second cylindrical body 20 with a second pair of pin ends 22 extending in opposite directions from the second cylindrical body, an actuator 19 for pivoting opposite ends of the first and second brake

shoes about the first and second pivot axes, respectively during a brake actuation, a first retainer clip 40 (L) attached to the first brake shoe having a first pair of legs 52,54 interconnected by a first base portion 56 with the first pair of legs cooperating with the first pair of pin ends to maintain proper contact and orientation between the first anchor pin and the first brake shoe, and a second retainer clip 40 (R) attached to the second brake shoe having a second pair of legs 52,54 interconnected by a second base portion 56 with the second pair of legs cooperating with the second pair of pin ends to maintain proper contact and orientation between the second anchor pin and the second brake shoe.

Re: claims 11-15. Majewski shows the limitation wherein each of the first and second backing plates includes a pair of spaced apart transversely extending webbed flanges 31 defining an engagement surface as shown, the engagement surface of the first backing plate contacting the first anchor pin and the engagement surface of the second backing plate contacting the second anchor pin.

Re: claim 21. Majewski shows the limitation wherein a portion of the first base portion extends parallel to a portion or tangent to the first cylindrical body between the first pair of pin ends and wherein the second base portion extends parallel to a portion or tangent to the second cylindrical body between the second pair of pin ends to the same extent as Applicant's.

Allowable Subject Matter

9. Claims 6 and 16 are allowed.

Response to Arguments

10. Applicant's arguments filed 9/25/02 have been fully considered but they are not persuasive. Applicant argues that EP-0044377 does not teach the limitation of the retainer clip being mounted solely to the mounting member. Examiner notes that the retainer clip of the instant invention is not solely attached to the mounting member, but is also attached to the pin ends as shown in figures 3 and 4. (See 112 rejection).

Nevertheless, as best understood, Examiner notes that retainer clip 17 of EP-0044377 is solely attached to the mounting member 26,27,28 as shown in figure 1.

11. Applicant's arguments with respect to claims 1-5 and 7-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents: 4807729 to Sampson, 3275103 to Lyon, 4624348 to Williams, and 2781868 to House teach the use of brake assemblies having a retaining clip that supports both pin ends of a given anchor pin and 5255763 teaches the use of a retaining clip engaging an anchor pin in a drum brake.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 703-306-4618. The examiner can normally be reached on Monday-Friday (7:30 AM-4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

mmb 11/5/02
mmb
November 5, 2002

M. C. Graham 11-7-02
MATTHEW C. GRAHAM
PRIMARY EXAMINER
GROUP 310